

I am writing to oppose the Notice of Proposed Rulemaking #02-230. Requiring a broadcast flag to prevent recording of digital TV broadcasts would be a bad idea and would prevent citizens from exercising fair use rights to record and view a public broadcast at a more convenient time. While modern technology does open avenues for pirating copyrighted works, the proposed rule is far too draconian. By and large, most current use of home recording technology is for personal use and falls within fair use guidelines. While video piracy exists, it does not appear that the motion picture industry is being seriously impacted. People go to movies in record numbers, videos and DVDs sell like hotcakes, rental stores flourish, and TV networks buy the rights to broadcast the movies. Given the time and planning it takes to record, duplicate broadcasts, it seems unlikely to me that the secondary rental market will be significantly curtailed or that the value of TV broadcast movies! will be significantly diminished if citizens are allowed to record broadcasts for their use.

Finally, it is important to remember that the purpose of the FCC is to serve the best long-term interest of the public, not the broadcasters, not the movie industry. While such industries may need protection and regulation, the reason for so doing is to benefit the public by maintaining their viability. As such, it is very important not to excessively overweight the needs of content producers vs the needs of the public to use content in ways which best meet individual needs.